

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
IMAI, JEFFREY T.
Magna International Inc.
337 Magna Drive
AURORA, Ontario
Canada, L4G 7K1

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 21 July 2005 (21-07-2005)
(day/month/year)

Applicant's or agent's file reference
703553PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CA2005/000497

International filing date (day/month/year)
04 April 2005 (04-04-2005)

Priority date (day/month/year)
02 April 2004 (02-04-2004)

International Patent Classification (IPC) or both national classification and IPC
IPC(7): B60N 2/30, B60N 2/04

Applicant
INTIER AUTOMOTIVE INC. ET AL

1. This opinion contains indications relating to the following items :

- | | | |
|---|--------------|--|
| <input checked="" type="checkbox"/> [X] | Box No. I | Basis of the opinion |
| <input type="checkbox"/> [] | Box No. II | Priority |
| <input type="checkbox"/> [] | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> [] | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> [X] | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> [] | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> [X] | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> [X] | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
Canadian Intellectual Property Office
Place du Portage I, C114 - 1st Floor, Box PCT
50 Victoria Street
Gatineau, Quebec K1A 0C9
Facsimile No.: 001(819)953-2476

Date of completion of this opinion
22 June 2005 (22-06-2005)

Authorized officer
Scott Jurgens (819) 953-0617

Box No. I **Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search.

3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-17</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive step (IS) | Claims <u>1-17</u> | YES |
| | Claims <u>NONE</u> | NO |
| Industrial applicability (IA) | Claims <u>1-17</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations :

D1: US 2003/0094830 A1 (KAMIDA et al.) 22 May 2003 (22-05-2003)

Novelty (N)

Claims 1-17 comply with PCT Article 33(2). D1 is considered the closest prior art and discloses a vehicle having a seat assembly (40) comprising a seat cushion (41), front (42) and rear (34) legs each attached to the seat cushion and to the vehicle floor and a linkage assembly coupled between the front and rear legs for controlling the movement of the front legs between a support position and a retracted position. The linkage assembly comprises a first link member (43) coupled to the rear legs at one end and a second member (56) coupled to the front legs at one end. The second ends of the first and second link members are coupled together. The prior art does not, however, disclose the use of a third link member coupled between the first and second link members.

Inventive Step (IS)

Claims 1-17 comply with PCT Article 33(3). None of the prior art alone or in combination teaches a seat assembly having a seat cushion, front and rear legs and a linkage assembly wherein the linkage assembly is comprised of three link members coupled together.

Industrial Applicability (IA)

The subject matter of claims 1-17 is considered to be industrially applicable and thus fulfills the requirements of PCT Article 33(4).

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

The abstract does not comply with **PCT Rule 8.1(d)**. Each technical feature mentioned in the abstract and illustrated by a drawing in the international application should be followed by a reference sign, placed between parenthesis.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

The description does not comply with **PCT Article 5**. A statement in an application, such as found on pages 4 and 5, paragraphs [0022] and [0024] respectively, which incorporates by reference any other document, does not fully describe the invention. The description shall be complete in and on itself. A person skilled in the art should be able to understand the patent specification without reference to any other document.

Claim 1 is unclear and does not comply with **Article 6 of the PCT**. The double inclusion of any element renders the claims indefinite. The term "a floor" (claim 1, line 6) has already been defined previously in the claim. The aforementioned term should therefore be referred to using a definite article.

Claim 1 does not comply with **Article 6 of the PCT** because the claimed characteristic "a pair of rear legs each having a first end attached to said seat cushion and a second end adapted to be pivotally attached to the floor;" lacks proper support in the present description. In the description on page 6, lines 1-4 it is stated "The rear legs 58 extend between a first end 61 pivotally coupled to the pivot bracket 56 by free pivot 150 and a second end 63 pivotally coupled to the seat cushion frame 36 by pivot rod 80 for moving the seat assembly 10 between each of the seating position, tailgate position and stowed position." Therefore, the attachment points for the first and second ends of the rear legs are different when comparing the claims to the description.